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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,119	06/02/2000	Michael D. Hamerski	55420USA9A.002	6205

7590

05/31/2002

Attention David B Patchett
Office of Intellectual Property Counsel
3M Innovative Properties Company
PO Box 33427
St Paul, MN 55133-3427

EXAMINER

CHANG, VICTOR S

ART UNIT

PAPER NUMBER

1771

5

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,119

Applicant(s)

HAMERSKI, MICHAEL D.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Bries et al. in view of Luhmann, substantially for the reasons set forth in section 2 of Paper No. 3, together with the following additional observations.

With respect to Applicant's Response arguing that "none of the references disclose an adhesive article including a first adhesive region, a second adhesive region as defined in claim 1, ..." (Response, page 2, 3rd paragraph), the Examiner would like to point out that Applicant seems to argue the cited references individually. In response to Applicant's arguments, it is asserted that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references.

With respect to Applicant's Response arguing that the Bries' adhesive arrangement is reversed from the instant claimed invention, the Examiner would like to point out that it is the concept of a low adhesion portion derived from Bries' invention which renders the instant claimed invention obvious. In particular, Bries teaches that a non-adhesive portion may be adhesive-free, or may be an adhesive layer portion, which is rendered non-adhesive. A lower-adhesion portion may comprise a low adhesion material, i.e., a weaker adhesive, or may be rendered lower in adhesion by a treatment

or coating, or a release strip is preferably used to deaden the adhesive on the one side. Alternatives useable for release strips include films, papers, powders, foams, inks, other coatings or treatments, and the like (column 2, lines 66-67, and column 3, lines 9-15). Bries teaches that a release strip is preferably used to deaden the adhesive on the one side which is to be positioned adjacent the effective end of the object or the end of the surface to which the adhesive tape is to be applied. With the use of such a release strip, the one side completely debonds from its adhered surface prior to the complete debonding of the other side (column 3, lines 4-9). Critically, in Fig. 4 and 5, Bries teaches that depending on the location of the release strip (30), or the end point of detachment, the tape preferentially releases from the surface first and cleanly (column 6, line 52 to column 7, line 32). Therefore, the critical mechanism of stretch releasing from the surface is to place the lower-adhesion portion at the end of the object or the end of the surface. As such, it would have been obvious to one of ordinary skill in the art to relocate the lower-adhesion portion to the opposite end of the hook assembly, motivated by the desire to be able to detach the hook assembly from the wall cleanly with the particular mechanism of detachment as shown in Fig. 2 of the instant claimed invention, and with an expectation of reasonable success as imparted by the teachings of Bries.

With respect to Applicant's argument that changing the position would significantly alter the operation of the device (Response, page 3, paragraph 4), the Examiner would like to point out that, again, it is the teaching of placing the release strip

at the end of the object or the end of the surface made the instant claimed invention obvious, not the un-related sequential release mechanism.

With respect to Applicant's argument that in claim 17 the adhesive layer is adapted to delaminate from the substrate by "reverse peel" is not taught or suggested in the cited references (Response, page 2, paragraph 4), it is believed that initiating delamination from one end with lowest adhesive strength is common and well known. As such it is considered to be ~~obvious~~ and obvious delamination mechanism.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers

Application/Control Number: 09/586,119

Page 5

Art Unit: 1771

for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Victor Chang
Victor Chang
May 29, 2002

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1900~~
1700

Daniel Zinker